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STATE FOR INL/LP AND WHA/AND/VE

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SUBJECT: VENEZUELA CERTIFICATION DEMARCHE BENCHMARKS

REF: CARACAS 00710 AND STATE 12161

1. (U) As promised in Caracas 710, the text of the non-paper on 2005 certification benchmarks, delivered February 18, follows:

#### VENEZUELA'S 2005 CERTIFICATION BENCHMARKS

To comply with current U.S. law establishing the narcotics certification mechanism and to respond to calls for a more transparent process, we need to articulate clear counternarcotics objectives at this time.

The President's "National Drug Control Strategy," the International Narcotics Control Strategy Report (INCSR) and other U.S. policy documents on drug control underscore U.S. efforts to curb its own drug consumption problems. We will endeavor to convey more clearly and openly to you our progress in that regard. However, no domestic policy can succeed while drug criminals operate with impunity around the world.

While cooperative anti-drug programs have proven their value, the most powerful defense against the drug trade is political will. If political will is weak, corruption soon sets in. Left unopposed, such corruption ultimately vitiates the rule of law, puts democratic government in jeopardy, and undermines cooperative efforts against drug trafficking.

Our actions and statements are consistent with the goals of the 1988 UN Drug Convention, and are pursuant to U.S. domestic legislation on certification. Our aim in approaching you now is to ask you to engage in a dialogue regarding our counternarcotics objectives for the near term and to present clear counternarcotics objectives that, if met, will be given due consideration by the U.S. in evaluating compliance with the goals and objectives of the 1988 UN Convention and our bilateral counternarcotics program. We will continue our dialogue with you on this subject throughout the year.

Certification decisions are made by the President upon the recommendation of the Secretary of State, with input from other concerned agencies.

In order not to be found as having "failed demonstrably," a country must take meaningful and committed actions against narcotics trafficking and related criminal activity. Key criteria considered in the certification process include: Performance in areas identified in the 1988 UN Drug Convention:

- cultivation/manufacturing;
- consumption/demand reduction;
- trafficking;
- eradication of illicit crops;
- interdiction and law enforcement cooperation;
- asset seizure;
- extradition and mutual legal assistance;
- drug treatment;
- control of precursor/essential chemicals;
- money laundering.

Performance in accomplishing goals described in any applicable bilateral narcotics agreement with the United States, or a multilateral narcotics agreement.

Performance in preventing and punishing public corruption, especially by senior government officials that facilitate the production, processing, or shipment of drugs and other controlled substances, or that discourages the investigation or prosecution of such acts.

We are very interested in efforts to improve regional cooperation and regional activities to support the goals of the 1988 UN Drug Convention. We will consider such activities and initiatives, as part of our evaluation process.

Venezuela has received full certification since 1992. Venezuela remains a major cocaine and heroin transshipment corridor from Colombia, with extensive quantities passing through the country each year destined to the U.S. and

Europe.

Venezuela has a coordinated anti-narcotics strategy, which includes interdiction and demand reduction. The police and the Branches of the Armed Forces with police drug enforcement authority continue to seize narcotics and arrest traffickers. However, corruption, inefficiency, and weak judicial system have limited the effectiveness of these operations.

In order to ensure that we have a constructive dialogue with your Government on narcotics cooperation, we would like to provide information on the areas of performance that will become the primary focus of the 2005 certification determination. These performance objectives are based on the 1988 UN Convention, our current bilateral agreement on narcotics, and the Government of Venezuela's previously stated national drug control objectives.

#### COUNTERNARCOTICS

Given the linkage between narco-trafficking and terrorist activities of foreign terrorist organizations (FTOS) such as the FARC, ELN and AUC on both sides of the Venezuelan-Colombian border, the Government of Venezuela (GOV) should target these FTOS by arresting their leadership, seizing their assets, and disrupting their operations inside Venezuelan territory.

The Venezuelan Government should indicate whether it is willing to authorize U.S. detection and monitoring aircraft to overfly Venezuelan territory (with Venezuelan observers on board, if requested) to track suspected narco-trafficking aircraft.

Substantial quantities of cocaine are transiting Venezuela en route to the United States from Colombia. Venezuelan reports of cocaine seizures and destruction, if accurate, indicate a doubling (or more) of cocaine flowing through Venezuela since 2002. It would be appreciated if the GOV would permit U.S. law enforcement personnel to have access to seizures in excess of 100 kilograms for the purpose of taking samples to determine purity and source, and to confirm the quantity destroyed.

The GOV is strongly encouraged to improve border inspections, particularly at Tachira and other major crossing points from Colombia, so as to increase the likelihood of detection, interdiction, and arrest and prosecution enough to deter traffickers from attempting to transit Venezuela through these points of entry.

Substantial amounts of cocaine depart Venezuela for the U.S. and Europe through the ports. The GOV is asked to improve intelligence gathering and inspection capacity at the ports in order to increase the likelihood of detection, interdiction, and arrest and prosecution sufficiently to deter traffickers from smuggling drugs through major commercial ports.

The GOV should target drug trafficking organizations by arresting their leadership, seizing their assets and disrupting their operations.

While the GOV has successfully prevented large-scale cultivation of coca and poppy, the GOV needs to eradicate opium poppy fields, particularly in the Perija Mountains, and coca cultivations.

#### CORRUPTION

Several GOV agencies have failed to show any interest in combating corruption, specifically corruption with respect to drug trafficking, document falsification, and migrant trafficking. Therefore, the United States Government (USG) urges the GOV to initiate the process of computerizing the passport issuance system, to increase document security and prevent abuse by criminals and possibly terrorists.

The USG encourages the GOV to firmly enforce the execution of wiretap orders that Venezuelan courts issue to cellular phone companies.

Temporary judges should not have authority to dismiss cases or release defendants in drug trafficking cases. Therefore, we respectfully request that the GOV ask that these decisions be reviewed and approved by the Chief Prosecutor for Drugs in the Public Ministry before such actions may be taken.

#### LEGISLATION

Venezuelan Vice President Rangel made a formal commitment to the Mini-Dublin Group of ambassadors to secure passage in the first half of 2004 of the Ley Organica Contra La Delincuencia Organizada (LOCD). Nonetheless, the Assembly

did not take action. The USG strongly urges the GOV to use its majority in the Assembly to give the highest priority to passage of the LOCD0.

12. (U) Text of diplomatic note delivered on March 15, 2005, to the Ministry of Foreign Affairs follows:

Text for Diplomatic Note

079/2005

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Bolivarian Republic of Venezuela, and has the honor to inform the Ministry of the U.S. Government's desire to engage the Government of Venezuela in discussions on the narcotics certification process as required under U.S. Law.

The President's "National Drug Control Strategy," the efforts to curb its own drug consumption problems. We will progress in that regard. However, no domestic policy can the world. While cooperative anti-drug programs have proven their value, the most powerful defense against the drug trade is political will.

Our actions and statements are consistent with the goals of the 1988 UN Drug Convention, and are pursuant to U.S. domestic legislation on certification. Our aim in approaching you now is to ask you to engage in a dialogue regarding our counter-narcotics objectives for the near term and to present clear counter-narcotics objectives that, if met, will be given due consideration by the U.S. in evaluating compliance with the goals and objectives of the 1988 UN Convention and our bilateral counter-narcotics program. We hope to continue our dialogue with you on this subject throughout the year.

Certification decisions are made by the President upon the recommendation of the Secretary of State, with input from other concerned agencies. Key criteria considered in the certification process include performance in areas identified in the 1988 UN Drug Convention:

- . Cultivation/manufacturing
- Consumption/demand reduction
- Trafficking
- Eradication of illicit crops
- Interdiction and law enforcement cooperation
- Asset seizure
- Extradition and mutual legal assistance
- Drug treatment
- Control of precursor/essential chemicals
- Money-laundering.

Other criteria include performance in accomplishing goals described in any applicable bilateral narcotics agreement with the United States, or a multilateral narcotics agreement, and performance in preventing and punishing public corruption, especially by senior government officials that facilitate the production, processing, or shipment of drugs and other substances, or that discourages the investigation or prosecution of such acts. We are also interested in efforts to improve regional cooperation and regional activities to support the goals of the 1988 UN Drug Convention, and will consider such activities and initiatives as part of our evaluation process

Venezuela has received full certification since 1992. Venezuela remains a major cocaine and heroin transshipment corridor from Colombia, with extensive quantities passing through the country each year destined to the U.S. and Europe.

Venezuela has a coordinated anti-narcotics strategy, which includes interdiction and demand reduction. The police and the branches of the Armed Forces with police drug enforcement authority continue to seize narcotics and arrest traffickers. However, corruption, inefficiency, and a weak judicial system have limited the effectiveness of these operations.

To ensure that we have a constructive dialogue with your Government on narcotics cooperation, we would like to take this opportunity to identify the areas of performance that will become the primary focus of the 2005 certification determination. These performance objectives are based on the 1988 UN Convention, our current bilateral agreement on narcotics, and the Government of Venezuela's previously stated national drug control objectives.

COUNTERNARCOTICS

-- Given the linkage between drug trafficking and terrorist activities of foreign terrorist organizations (FTOS) such as the FARC, ELN and AUC on both sides of the Venezuelan-Colombian border, it is important that the Government of Venezuela target these FTOS by arresting their leadership, seizing their assets, and disrupting their operations inside Venezuelan territory.

-- Is the Venezuelan Government willing to authorize U.S. detection and monitoring aircraft to overfly Venezuelan territory (with Venezuelan observers on board, if requested) to track suspected drug trafficking aircraft?

-- Substantial quantities of cocaine transit Venezuela en route to the United States from Colombia. Venezuelan reports of cocaine seizures and destruction, if accurate, indicate a doubling (or more) of cocaine flowing through Venezuela since 2002. It would be appreciated if the Government of Venezuela would permit U.S. law enforcement personnel to have access to seizures in excess of 100 kilograms for the purpose of taking samples to determine purity and source, and to confirm the quantity destroyed.

-- Improvement of border inspections, particularly in Tachira and other major crossing points from Colombia, so as to increase the likelihood of detection, interdiction, and arrest and prosecution enough to deter traffickers from attempting to transit Venezuela through these points of entry.

-- Improvement of intelligence gathering and inspection capacity at the ports where substantial amounts of cocaine depart Venezuela for the U.S. and Europe to increase the likelihood of detection, interdiction, and arrest and prosecution sufficiently to deter traffickers from smuggling drugs through major commercial ports.

--Targeting of drug trafficking organizations by arresting their leadership, seizing their assets and disrupting their operations.

-- While the Government of Venezuela has successfully prevented large-scale cultivation of coca and poppy, the Government should eradicate opium poppy and coca fields, particularly in the Perij Mountains.

#### CORRUPTION

-- Initiation of the computerization of the passport issuance system, to increase document security and prevent abuse by criminals and possibly terrorists.

-- Enforcement of the execution of wiretap orders that Venezuelan courts issue to cellular phone companies.

-- Ensure that cases are properly managed to prevent temporary judges from dismissing cases or releasing defendants in drug trafficking cases.

#### LEGISLATION

-- Vice President Rangel made a formal commitment to the Mini-Dublin Group of ambassadors to secure passage in the first half of 2004 of the Ley Orgnica Contra La Delincuencia Organizada. Passage of this law merits the highest priority.

The Embassy of the United States takes this opportunity to renew to the Ministry of Foreign Affairs of the Bolivarian Republic of Venezuela the assurances of its highest consideration.

Embassy of the United States of America  
Caracas, March 15, 2005

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